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Advancement of women

Violence against women, its causes and consequences

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, in accordance with Assembly resolution 67/144.

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Report of the Special Rapporteur on violence against women, its causes and consequences

Summary

The present report focuses on violence against women as a barrier to the realization of women's civil, political, economic, social, cultural and developmental rights and the effective exercise of citizenship rights. The report also provides an analysis of continued challenges in the quest for the elimination of violence against women. This analysis is underpinned by the work of the mandate holder, including the preparation of thematic reports and participation in country missions and conferences and meetings.

I. Introduction

1. The present report is submitted by the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, pursuant to General Assembly resolution 67/144. The activities of the Special Rapporteur since her previous report to the Assembly (A/68/340) are summarized in section II. Violence against women as a barrier to the effective exercise of citizenship and the continuing challenges in the quest for its elimination is discussed in section III.

II. Activities

A. Country visits

2. During the period under review, the Special Rapporteur requested invitations to visit the Bahamas, Egypt, Libya, the Plurinational State of Bolivia, South Sudan, the Sudan and the Syrian Arab Republic. Earlier invitation requests were reiterated to the Governments of the Bolivarian Republic of Venezuela, Colombia, Cuba, Israel, South Africa and the State of Palestine.

3. The Special Rapporteur visited India from 22 April to 1 May 2013 (A/HRC/26/38/Add.1), Bangladesh from 20 to 29 May 2013 (A/HRC/26/38/Add.2), Azerbaijan from 26 November to 5 December 2013 (A/HRC/26/38/Add.3) and the United Kingdom of Great Britain and Northern Ireland from 31 March to 15 April 2014. The Special Rapporteur thanks the Governments of those countries for their cooperation.

4. She hopes to receive favourable responses from the Governments of the Bahamas, the Bolivarian Republic of Venezuela, Colombia, Cuba, Israel, France, Libya, Nepal, Nigeria, South Africa, South Sudan, Turkmenistan, Uzbekistan and Zimbabwe.

B. Reports to the Commission on the Status of Women and to the Human Rights Council

5. In March 2014, the Special Rapporteur participated in the fifty-eighth session of the Commission on the Status of Women. She delivered an oral statement on her activities and convened two side events on global developments on the elimination of all forms of violence against women over the past two decades.

6. In June 2014, the Special Rapporteur submitted her fifth report to the Human Rights Council, in which she examined the issue of 20 years of developments within the United Nations in the field of violence against women and the continuing challenges and she convened a side event to commemorate the twentieth anniversary of the mandate.

C. Other activities

7. The Special Rapporteur also participated in a number of conferences and meetings over the past year, at the invitation of State and non-State actors.

III. Violence against women as a barrier to the effective exercise of citizenship and continuing challenges in the quest for its elimination

A. Introduction[1]

8. Violence affects one in three women globally and is a foremost cause of death and disability among women.[2] It is acknowledged as a pervasive and severe violation of human rights, resulting in women's civil, political, social, cultural, economic and development rights violations. An often-overlooked impact of violence against women is the role it plays in obstructing the realization of women's citizenship rights. Certain crucial elements of citizenship rights are integral for understanding the negative impact of violence against women on the exercise of rights. Citizenship is characterized by meaningful participation, autonomy and agency through one's membership in a community — a community that is not necessarily defined by nationality. It is comprised of an indivisible and interrelated set of rights and it demands a corresponding obligation on States to respect, protect and fulfil rights.

9. Viewing violence against women through a citizenship lens achieves three critical objectives. First, the citizenship framework emphasizes women's participation and agency, highlighting the importance of women participating as full citizens in their communities. Second, it exposes the role that gender-based violence plays in impeding women's realization of a broad range of human rights that are essential to the exercise of full participatory citizenship. Finally, it emphasizes the need for States to fulfil their responsibilities for preventing and responding to violence against women and girls, in both the public and private spheres.

10. Full, inclusive and participatory citizenship requires that violence against women be seen as a barrier to the realization of all human rights, and consequently the effective exercise of citizenship rights. Participation, autonomy and agency, are core components of citizenship rights and they emanate from human rights, as the necessary conditions for human agency and dignity. Human rights are rooted in citizenship rights, including in their dynamic conception of political, economic, civil and social participation. Human dignity and the rights to freedom and equality lie at the heart of the human rights regime and provide the necessary conditions for human agency in exercising citizenship rights. The fulfilment of one right often depends upon the fulfilment of others, as each cluster of rights provides the necessary conditions for realization of the other. For example, social rights help promote the effective exercise of civil and political rights, while civil and political rights in turn empower citizens to realize their economic, social and cultural rights.

11. Citizenship is both about belonging to a group or community and about the rights and responsibilities associated with such membership.[3] It is not only an

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[1] I would like to thank Naureen Shameem and students of the Cornell Law School International Human Rights Clinic for research assistance.

[2] World Health Organization, *Global and Regional Estimates of Violence against Women: Prevalence and Health Effects of Intimate Partner Violence and Non-Partner Sexual Violence* (2013).

[3] Shamin Meer and Charlie Sever, *Gender and Citizenship: Overview Report*, Bridge Institute of Development Studies (January 2004); see also Ruth Lister, "Citizenship: towards a feminist synthesis", *Feminist Review*, vol. 57 (1997).

identity, but also a practice whereby people are able to meaningfully participate in shaping their societies through the exercise of their citizenship rights.[3] Citizenship rights are broad, inclusive, interdependent and indivisible and are tied to citizens' participation in the lives of their communities and the articulation of their agency, underpinned by the norms of dignity, equality and non-discrimination.

12. Autonomy and agency aspects of citizenship rights provide a framework for understanding women's citizenship, through recognizing both the structural factors that constrain women's ability to live as full citizens, as well as women's role as active citizens able to participate in creating the laws, policies and conditions affecting them. Historically, States and communities have often used "the women" as a critical symbol in defining the nation.[4] Despite linking their visions of the political community to women as symbols, in practice many States often constrain women's autonomy, thereby limiting their ability to participate fully in the community as equal citizens.

13. Individuals cannot influence the decision-making processes affecting their lives, livelihoods and the life of their community without their human rights being respected, protected and fulfilled. Having a voice and stake in community action, requires active political participation and civic engagement in various areas of social, political, civil, and economic aspects of community life. Thus citizenship rights that embrace multiple sites of political participation and civic engagement, establish a relationship between individuals and the State and also among individual citizens. This implies not only rights and responsibilities, but also interaction and influence within the community.[3] States, in turn, have an affirmative obligation to promote and protect all human rights, in order to enable the effective exercise of citizenship rights.

B. Nexus between violence against women and citizenship

14. Violence against women impairs and nullifies women's realization of all human rights, it prevents women from participating in their communities as full and equal citizens, it reinforces male dominance and control, it supports discriminatory gender norms and it maintains systemic inequalities between women and men. These factors, in turn, preserve and perpetuate conditions that enable gender-based violence to continue.

15. The international community explicitly acknowledged violence against women as a human rights issue when it adopted the Vienna Declaration and Programme of Action at the World Conference on Human Rights in 1993. Standard-setting developments, such as general recommendation No. 19 of the Committee on the Elimination of Discrimination against Women and the Declaration on the Elimination of Violence against Women, further acknowledge violence against women as a form of discrimination that impedes or nullifies women's right to enjoy all other human rights on a basis of equality with men, and also address the obligations that States have to prevent and respond to violence against women. These developments are underpinned by an understanding that gender-based violence on women's rights to equality, bodily integrity and freedom from discrimination also affects numerous human rights.

[4] See Andrew Parker et al., eds., *Nationalisms and Sexualities*, Routledge (1992).

16. The citizenship and violence lens encourages the incorporation of women's experiences in shaping a State's rights agenda and challenges the idea that women are passive victims of patriarchal systems. It rejects an understanding of human rights that centres on male power and female victimization and instead focuses on women as agents participating in the life of their community to actively challenge and transform patriarchal power dynamics. Participation and empowerment thus have a symbiotic relationship: encouraging active participation empowers women by challenging the view that women are passive victims, while empowerment promotes ongoing participation to continue to shape the way that citizenship rights are understood and protected in one's community. It promotes citizens' capacity to create egalitarian and inclusive relationships and institutions that further uphold women's citizenship rights.

17. For a long time, traditional human rights advocacy viewed gender-based violence through a public versus private lens, where States are responsible only for violence committed against women in the public sphere. This flawed understanding of gender-based violence ignores the reality that violence crosses the public and private domains and ranges from intimate and interpersonal violence to structural, systematic and institutional forms of violence. In more recent times, there has been greater acceptance that the State has a responsibility for violence occurring in the cultural, social or family life, as such violence does have an impact on the ability of women to exercise their full citizenship rights. It is argued that women are full agents that are at once sexual, civil, political, economic, social and cultural beings, and that States must recognize women as such to guarantee their full and equal citizenship rights. Thus a more holistic examination of root causes, including potential economic and social remedies for rights violations, is necessary.[5]

18. Violence violates women's rights to equality and non-discrimination on the basis of their sex and gender and to liberty and security of the person, and the right not to be subjected to torture, cruel or inhuman or degrading treatment or punishment. It also impedes women's right to equality within the family. The experience or threat of violence makes many women reluctant to leave their homes, which deprives them of their rights to take part in the political, economic, social and cultural life of their community. This in turn precludes women from exercising their right to vote and hold public office, to work, to education, to a secure livelihood and to access to justice and to health.

19. The right to life is broadly recognized in international law.[6] Despite this, the prevalence of violence against women resulting in death has grown to alarming proportions. Globally, up to 38 per cent of all murders of women are committed by intimate partners.[2] Reports suggest that in some countries, between 40 and 70 per cent of all female victims were killed by a former or current intimate partner.[7] Another threat is found in the violence that occurs in the context of armed conflict. During armed conflict, women are killed as strategic targets for the purpose of terrorizing civilian populations (A/61/122/Add.1, paras. 33 and 143). In addition,

[5] Alice M. Miller, "Sexuality, violence against women, and human rights: women make demands and ladies get protection", in *Health and Human Rights*, vol. 7, No. 2 (2004).

[6] Universal Declaration of Human Rights, art. 3; International Covenant on Civil and Political Rights, art. 6.

[7] Lori Heise, and Claudia Garcia-Moreno, "Violence by intimate partners", in *World Report on Violence and Health* (Etienne G. Krug et al., eds., 2002), World Health Organization.

women human rights defenders are often the symbolic targets of politically motivated killings during conflicts and transitions (A/HRC/20/16, para. 54).

20. Gender-based violence negatively affects the right to be free from slavery and servitude.[8] The international community has recognized that trafficking serves forced or bonded labour, including within the sex trade, forced marriage and other slavery-like practices.[9] The trafficking of women is often accomplished by the threat or use of violence against women, and the resulting slavery represents a severe form of physical, sexual, psychological and economic violence perpetrated against women.

21. Violence against women restricts women's freedom of movement in a number of significant ways.[10] The fear of violence occurring in public spaces, including harassment and sexual assault, intimidates women into avoiding the public arena. Linked to this avoidance is the fear of violence in private spaces, if freedom of movement is exercised, without permission. The unequal access to resources between men and women and laws that restrict the movement of women, further preclude women's right to freedom of movement and their ability to exercise that right.

22. The prohibition of torture is a *jus cogens* norm, as torture is widely recognized as a violation of core human rights.[11] The international community has acknowledged that certain manifestations of violence against women are a form of torture. In 1986, the first Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment listed rape as a form of torture, as it is often used as a means of control that meets all of the criteria for torture (E/CN.4/1986/15, para. 119). In 2013, the Committee against Torture expressed concern over rape used as torture in its periodic reports on different countries (see CAT/C/JPN/CO/2, para. 20, CAT/C/KEN/CO/2, para. 7, CAT/C/MRT/CO/1, para. 23, and CAT/C/EST/CO/5, para. 12, for Japan, Kenya, Mauritania and Estonia, respectively). In addition, the Human Rights Committee has recognized other manifestations of violence against women as constituting torture or cruel, inhuman or degrading treatment, including forced sterilization,[12] forced abortion[13] and female genital cutting.[14]

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[8] Universal Declaration of Human Rights, art. 4; International Covenant on Civil and Political Rights, art. 8.

[9] See "15 Years of the United Nations Special Rapporteur on violence against women, its causes and consequences (1994-2009)".

[10] Universal Declaration of Human Rights, art. 13; Convention on the Elimination of All Forms of Discrimination against Women, art. 15; International Covenant on Civil and Political Rights, art. 12.

[11] Universal Declaration of Human Rights, art. 5; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; International Covenant on Civil and Political Rights, art. 7.

[12] See *for instance* CCPR/C/SVK/CO/3, para. 13, in which it is recognized that the forced sterilization of Roma women in Slovakia violates the International Covenant on Civil and Political Rights, art. 7, on the prohibition of torture and cruel, inhuman and degrading treatment.

[13] See HRI/GEN/1/Rev.9 (Vol. I), sect. II, General comment No. 28: article 3 (The equality of rights between men and women), para. 11, in which it is explained that the Committee requires information on measures to prevent forced abortion to ascertain whether States have complied with the International Covenant on Civil and Political Rights, art. 7.

[14] See CCPR/C/TCD/CO/1, para. 15, in which it is recognized that female genital mutilation of girls in Chad violates the International Covenant on Civil and Political Rights, art. 7.

23. Due process rights are recognized under international law[15] but, in practice, are often not extended to women who are victims of gender-based violence. For example, in some countries, women are unjustly detained without due process rights as a means to protect them from threatened violence. In addition, women human rights defenders, including those who advocate for the elimination of violence against women, are often the target of arbitrary arrests and due process violations. Despite the existence of policies aimed at protecting the right to humane and dignified treatment of persons deprived of liberty,[16] female detainees and prisoners are especially vulnerable to gender-based violence.

24. Violence against women violates the right to free association and expression in a variety of harmful ways,[17] while restrictions on association and expression entrench the continued presence of violence. A former Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has stressed that the inability of women to exercise association and expression rights freely, without fear of violence, severely undermines the realization of all human rights (E/CN.4/2001/64, para. 75). The use of flogging and other forms of corporal punishment is usually linked to the control and limitation of freedom of association, expression and movement. The punishment usually has a collective dimension and is public in character, so as to serve a social objective, namely influencing the conduct of other women.[18] The rights to freedom of association and expression are integral to the right to political participation,[19] and restrictions on women's association and expression rights prevent women from fully exercising their participation rights. The Working Group on the issue of discrimination against women in law and in practice has noted that stigmatization, harassment and outright attacks have frequently been used to silence and discredit women who are outspoken as leaders and politicians (A/HRC/23/50, para. 65).

25. Violence against women often manifests itself in ways that violate women's right to the freedom of thought, conscience and religion.[20] The use of threats of violence to force women from minority religious groups to convert to a different faith directly undermines women's freedom of conscience and religion. In addition, minority women in some communities have been threatened with violence for expressing their religious beliefs openly. Furthermore, targeted harassment of women wearing religious garments fosters an environment that threatens the right of women to practice their religion freely.

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[15] Universal Declaration of Human Rights, arts. 10 and 11; Convention on the Elimination of All Forms of Discrimination against Women, art. 15; International Covenant on Civil and Political Rights, arts. 14-16.

[16] Universal Declaration of Human Rights, art. 5; International Covenant on Civil and Political Rights, art. 7.

[17] Universal Declaration of Human Rights, arts. 19 and 20; Convention on the Elimination of All Forms of Discrimination against Women, art. 7; International Covenant on Civil and Political Rights, arts. 19 and 21.

[18] Office of the United Nations High Commissioner for Human Rights, "Stop threatening women with flogging, UN experts warn Sudan", 6 November 2013, available from www.ohchr.org.

[19] Universal Declaration of Human Rights, art. 21; Convention on the Elimination of All Forms of Discrimination against Women, arts 7 and 8; International Covenant on Civil and Political Rights, art. 25.

[20] Universal Declaration of Human Rights, art. 18; International Covenant on Civil and Political Rights, arts. 18 and 27.

26. Violence against women is also manifested in ways that violate women's right to voluntary and equal marriage.[21] Forced marriages, whether coerced through kidnapping or physical or sexual violence, is a means of forcing women into unwanted and unequal marriages. As the Special Rapporteur on contemporary forms of slavery, including its causes and its consequences, has noted, physical and sexual violence against women is used to force women and girls into servile marriages, where women are treated as commodities purchased from their families, over which any or all the powers of ownership are exercised (A/HRC/24/43, para. 10).

27. International law affords every individual the right to privacy without arbitrary or unlawful interference.[22] Women all too frequently experience violent intrusions of privacy, including through virginity testing and forced sterilization. These forms of violence against women represent grave violations of the right to privacy and reproductive freedom, as well as women's bodily integrity, and it undermines the ability of women to be recognized as full and equal citizens of their communities.

28. Although the human right to own property has been recognized by international law,[23] many States continue to systematically deny women this right through discriminatory laws on inheritance, land tenure and property ownership (A/HRC/17/26, para. 29). Moreover, even where women are legally permitted to hold property, they are targeted and violence is often used as a mechanism to deprive them of their property.

29. Gender-based violence impedes women's ability to realize their right to take part in cultural life.[24] This includes the right to access, participate in and contribute to cultural life (E/C.12/GC/21). As the Special Rapporteur with the task of preparing a comprehensive study with a focus on how best to include economic, social and cultural rights in international, regional and bilateral technical cooperation in the field of human rights has explained, participation in cultural life entails meaningful decision-making and women must enjoy the freedom to create new communities of shared cultural values around any markers of identity they want to privilege, new cultural meanings and practices without fear of punitive actions, including any form of violence (A/67/287, para. 28). Violence against women and the lack of adequate responses to it have also denied women the right to choose whether or not to identify with and take part in the cultural life of a particular community or communities (E/C.12/GC/21, para. 7).

30. Violence against women impairs and nullifies the right of women and girls to the enjoyment of the highest attainable standard of physical and mental health.[25]

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[21] Universal Declaration of Human Rights, art. 16; International Covenant on Civil and Political Rights, art. 23; International Covenant on Economic, Social and Cultural Rights, art. 10 (1).

[22] Universal Declaration of Human Rights, art. 12; International Covenant on Civil and Political Rights, art. 17.

[23] Universal Declaration of Human Rights, art. 17; Convention on the Elimination of All Forms of Discrimination against Women, art. 16; International Convention on the Elimination of All Forms of Racial Discrimination, art. 5.

[24] International Covenant on Economic, Social and Cultural Rights, art. 15 (1) (a); Convention on the Elimination of All Forms of Discrimination against Women, art. 13 (c); Universal Declaration of Human Rights, art. 27; see also the Association for Women's Rights in Development, "Cultures, traditions and violence against women: human rights challenges", available from www.awid.org.

[25] International Covenant on Economic, Social and Cultural Rights, art. 12 (1). See also the Convention on the Elimination of All Forms of Discrimination against Women, art. 12; and the Committee on the Elimination of Discrimination against Women, General Recommendation No. 19, para. 7.

Gender-based violence, such as intimate partner violence, sexual violence, female genital mutilation or other harmful traditional practices, forced and child marriage or cohabitation, gender-related killings, trafficking, infanticide and deliberate neglect of girls, have a severe impact on women's and girls' physical, mental, sexual and reproductive health.[26] As stated by the Committee on the Elimination of Discrimination against Women, violence against women puts women's health and lives at risk.[27] The Committee on Economic, Social and Cultural Rights notes that the right to health includes both freedoms and entitlements, including the right to control one's health and body, inclusive of sexual and reproductive freedom, and the right to be free from interference, such as the right to be free from non-consensual medical treatment and experimentation (E/C.12/2000/4, para. 8).

31. The right to education is affected by violence, including family violence and abuse, sexual violence at school, early and forced marriage, human trafficking and harmful traditional practices — which all prevent women and girls from realizing their right to education.[28] Sexual harassment at school has negative physical and emotional effects and also results in decreased productivity, absenteeism from school, difficulty concentrating, declining academic performance or dropping out from school, often after becoming pregnant.[29] As recognized by the Human Rights Council in its resolution 24/23, child, early and forced marriage prevents individuals from living their lives free from all forms of violence and has adverse consequences on the enjoyment of human rights, such as the right to education (see also A/HRC/21/41, para. 74). Girls who enter into early marriage often leave school to assume the responsibilities of caring for their spouse and home and to raise a family. This, in turn, limits young women's economic opportunities and independence and places them at greater risk of domestic violence than married women who are older and more educated.[30]

32. International human rights instruments require that States parties recognize the right of everyone to an adequate standard of living, including adequate food, clothing and housing, and to the continuous improvement of living conditions.[31] Violence against women frequently results in the violation of this right. A former Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context has noted that women living in situations of domestic violence inherently live in inadequate housing, owing to the violence they face within the home (E/CN.4/2005/43, para. 43). Violence against women itself creates the conditions that deny women their right to an adequate standard of living. Women may also be prevented from leaving abusive situations because of an absence of shelter facilities, other forms of

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[26] World Health Organization, *Understanding and Addressing Violence against Women: Health Consequences* (2012).

[27] Committee on the Elimination of Discrimination against Women, General Recommendation No. 19, para. 19.

[28] International Covenant on Economic, Social and Cultural Rights, art. 13; Universal Declaration of Human Rights, art. 26; Convention on the Elimination of All Forms of Discrimination against Women, art. 10.

[29] Catherine Hill and Holly Kearl, *Crossing the Line: Sexual Harassment at School* (American Association of University Women, 2011).

[30] See Human Rights Watch, "Child marriage and violations of girls' rights: 14 million girls marry each year worldwide".

[31] International Covenant on Economic, Social and Cultural Rights, art. 11; Universal Declaration of Human Rights, art. 25.

adequate housing, food and other resources that are necessary to realizing their right to an adequate standard of living (E/CN.4/2005/43). States should provide survivors of gender-based violence with specialized shelters or other alternative housing options, and other services necessary to realize their right to an adequate standard of living and prevent them from being forced by the perceived necessity to return to a situation of abuse (A/HRC/19/53, paras. 21 and 67).

33. Violence against women may have serious negative consequences for women's right to special protection for a period before and after childbirth.[32] Women who are subjected to domestic abuse during their pregnancy may experience maternal and neonatal health consequences, including increased risks of preterm labour, miscarriage, unsafe abortions, excessive bleeding, maternal mortality and suicide following childbirth.[33]

34. Women are guaranteed the right to work under international human rights law, which includes the right of everyone to gain their living by work that they freely choose and accept,[34] to just and favourable conditions of work and protection against unemployment[35] and to technical and vocational guidance and training programmes, policies and techniques.[36] Many forms of gender-based violence prevent women from realizing their right to work or to enjoy just and favourable conditions of work without discrimination, including safe and healthy working conditions, fair and equal remuneration, free choice of profession and employment and non-discrimination on grounds of marriage or maternity. Sexual harassment in the workplace violates the right to work as it creates an unsafe and hostile work environment.[37] Many forms of violence impede the right to work and deny women access to safe and healthy working conditions, thereby negatively affecting women's ability to concentrate and be productive. When women are trafficked for sex and labour, the conditions of work for victims of this form of gender-based violence deny women their essential rights, including the right to fair and just compensation, reasonable working hours and favourable working conditions.

35. Intimate partner violence outside of the workplace also has a profound impact on the fulfilment of women's right to work. Domestic violence may also occur at work, where the workplace becomes a site of violence and associated behaviours. Partners seeking to coerce and control their female partners or ex-partners may stalk them at or around their workplaces and target them at work to increase their control over them and to compromise women's economic independence. Such violence increases absenteeism and reduces productivity and employee morale. Evidence indicates that women with a history of intimate partner violence have a more

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[32] International Covenant on Economic, Social and Cultural Rights, art. 10 (2).

[33] World Health Organization, *Intimate Partner Violence During Pregnancy: Information Sheet* (2011). See also Alexandra Garita and Ximena Andión, "Women's sexual and reproductive rights and health: critical investments for achieving sustainable development", in *Gender Equality, Women's Rights, and Women's Priorities: Recommendations for the proposed Sustainable Development Goals (SDGs) and the Post 2015 Development Agenda*.

[34] International Covenant on Economic, Social and Cultural Rights, article 6 (1).

[35] Universal Declaration of Human Rights, art. 23. See also the Employment Policy Convention of the International Labour Organization No. 122, art. 1 (2) on work for all who are available for and seeking work.

[36] International Covenant on Economic, Social and Cultural Rights, article 6 (2).

[37] Fleur Van Leeuwen, *Women's Rights Are Human Rights: The Practice of the United Nations Human Rights Committee and the Committee on Economic, Social, and Cultural Rights* (2011).

disrupted work history, are consequently on lower personal incomes, have to change jobs more often and are employed in higher numbers in casual and part-time work than women who have not experienced violence.[38]

36. International human rights instruments guarantee the right to development by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development in which all human rights and fundamental freedoms can be fully realized (Declaration on the Right to Development, art. 1, General Assembly resolution 41/128, annex). Furthermore, States have an obligation to undertake all necessary measures to fulfil the right to development, to ensure equality of opportunity for all in their access to basic resources and to undertake effective measures to ensure that women have an active role in the development process (ibid., art. 8.1). In rural areas, States must take all appropriate measures to ensure that women participate and benefit from development on an equal basis with men.[39] The Millennium Development Goals also link the achievement of social, economic and cultural rights to the right to development.[40] Gender equality and empowerment of women are central to development both in terms of integrating women in development without discrimination and in influencing the broader development agenda.

37. Violence against women fundamentally undermines the State's capacity to guarantee the right to development and it significantly limits their capacity to participate meaningfully in the development of their communities. Ultimately, gender-based violence is intrinsically linked to the achievement of development goals, as the achievement of such goals is impossible without the elimination of violence against women.[41]

38. A number of human rights instruments have recognized that violence against women is an obstacle to the achievement of the objectives of equality, development and peace as in all societies, to a greater or lesser degree, women and girls are subjected to physical, sexual and psychological abuse that cuts across lines of income, class and culture.[42] The low social and economic status of women is both a cause and a consequence of violence against women.[43] The right to development adopts a holistic approach, particularly in including women's participation in culture, health, education and work, and consequently all manifestations of violence have a negative impact on the rights to equality, development and peace.

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[38] Ludo McFerran, *Safe at Home, Safe at Work? National Domestic Violence and the Workplace Survey*, Australian Domestic and Family Violence Clearinghouse and Centre for Gender Related Violence Studies and Micromex Research (2011).

[39] Convention on the Elimination of All Forms of Discrimination against Women, art. 14 (2).

[40] The Millennium Development Goals are available from www.un.org/millenniumgoals/.

[41] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*, vol. I, Resolutions Adopted by the Conference (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex II, para. 24.2 (h).

[42] *Report of the Fourth World Conference on Women*, Beijing, 4-15 September 1995 (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I, para. 112. See also *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex, para. 4.9; General Assembly resolution S-21/2, para. 48.

[43] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I and annex II, para. 112.

39. Gender-based violence impedes sustainable development by obstructing women's participation and undermining many of the goals of development. Millennium Development Goal 5 on improving maternal health is one example. When violence against women is manifested in the form of early or forced marriage and childbearing, women are likely to suffer from medical conditions such as haemorrhage, obstructed labour, sepsis and eclampsia, as well as unsafe abortions.[44] Coupled with inadequate access to health services, these conditions may lead to the death of the mother, thus depriving women of their development right to maternal health. Numerous manifestations of violence against women, including forced sterilizations, forced abortions, lack of effective access to safe abortions, lack of informed consent and choice over contraceptive methods, harmful practices such as honour killings, female genital mutilation, early and forced marriage, and sexual violence, contribute to the violation of a number of rights, including the right to participate in and contribute to sustainable development.[44]

40. Preventable maternal mortality in turn leads to additional negative development outcomes as it fuels economic and social inequalities. Generally, preventing and combating illness among women and girls leads to a healthier and more productive population, whereas ill-health diminishes people's personal capacity and ability to contribute to their households, resulting in lost incomes and lower productivity. Furthermore, investing in the health of the largest generation ever of young people, particularly adolescent girls, means investing in the future and sustainable development.[44] Gender-based violence, however, impoverishes women and their families, saps public resources and lowers economic productivity. Therefore, when women and girls experience violence, they are denied access to fundamental human rights, such as education and health, which significantly undercuts their capacity to participate meaningfully in the sustainable development of their communities.

41. Violence against women also works against the achievement of development goals such as education, the focus of Millennium Development Goal 3. The fact that 60 million girls worldwide are assaulted while travelling to and from school prevents many girls from completing their education.[45] Many adolescent girls are also forced to withdraw from school owing to marriage and school-related violence, while sexual violence increases the dropout rates of girls and undermines educational achievement.[46]

42. Millennium Development Goal 1 aims to eradicate extreme poverty and hunger. As noted in the Beijing Declaration and Platform for Action, the fear of gender-based violence is a major constraint on the mobility of women and limits their access to resources and economic activity.[47] The major causes of women's poverty are embodied in unequal power relations between women and men, intertwined with patterns of gender-based violence.

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[44] Alexandra Garita and Ximena Andión, "Women's sexual and reproductive rights and health: critical investments for achieving sustainable development", in *Gender Equality, Women's Rights, and Women's Priorities: Recommendations for the proposed Sustainable Development Goals (SDGs) and the Post 2015 Development Agenda*.

[45] Management Systems International, *Are Schools Safe Havens for Children? Examining School-related Gender-based Violence* (2008).

[46] *World Report on Violence against Children* (2006).

[47] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I and annex II, para. 75.

43. Millennium Development Goal 6 commits Governments to combating HIV/AIDS, but exposure to HIV is positively correlated with gender-based violence and poverty. For example in Sub-Saharan Africa, women in the 19-24 age group are twice as likely to be infected as men, owing to sexual violence and related inequality in decision-making and autonomy. Rates of girls being infected have also increased owing to sexual assaults related to myths about preventing the transmission of HIV or curing AIDS.[48]

44. Violence against women is too often discussed in a theoretical vacuum that focuses only on interpersonal and structural inequalities between men and women, thereby excluding analysis on intra-gender inequalities. It is important to recognize the obstacles faced by women who experience multiple and intersecting forms of discrimination, for example women with disabilities, women who belong to ethnic or cultural minorities, women who live in poverty, women who live in rural areas, women who lack citizenship status and older women, among others. This increases the risk that some women will experience targeted, compounded or structural discrimination, in addition to gender-based violence (A/HRC/17/26, para. 17).

45. Women with disabilities experience an intersecting confluence of violence which reflects both gender-based and disability-based violence (A/HRC/17/26, para. 28). Many studies note a substantially higher risk of violence among disabled women than among the non-disabled population.[49] For example, disabled women are especially vulnerable to forced sterilization and other coercive birth control methods. In addition, the European Parliament recently published a report stating that almost 80 per cent of disabled women are victims of violence generally, and that disabled women are four times more likely than other women to experience sexual violence.[50]

46. Indigenous women also are especially susceptible to gender-based violence. The social, cultural, economic and political marginalization of aboriginal and indigenous women globally, along with a negative legacy of colonialism, historical racist government policies and the consequences of economic policies, have driven an alarming number of these women into extremely vulnerable situations (A/HRC/20/16, para. 61). The Special Rapporteur on the rights of indigenous peoples has noted that the increased militarization of the territories belonging to indigenous peoples in Asia has had an impact on gender-based violence. Gender-based violence is prevalent in indigenous territories, and there is a need to combat the culture of silence that exists to suppress the existence of this violence, which occurs between the military and indigenous women (A/HRC/24/41/Add.3, para. 24).

47. Women who live in poverty are also exposed to greater violence than other women, particularly when a woman is both a member of a minority group and is experiencing poverty. The Special Rapporteur on Violence against Women, its causes and consequences has stated that research reveals that living in poverty can further

[48] United Nations Population Fund, *Combating Gender Based Violence: A Key to Achieving the MDGs* (March 2005).

[49] See for instance Human Rights Watch, "Sterilization of women and girls with disabilities", available from www.hrw.org; Roberta Cepko, "Involuntary sterilization of mentally disabled women", *Berkeley Women's Law Journal* 122 (1993), available from http://scholarship.law.berkeley.edu/bglj/vol8/iss1/6.

[50] Eva del Río Ferres, Jesús L. Megías and Francisca Expósito, "Gender-based violence against women with visual and physical disabilities", Psicothema 2013, vol. 25, No. 1.

increase the likelihood that women will experience violence, as poverty is both a cause and a consequence of violence against women. Also, poverty and race are interconnected — as the majority of the world's poor are women who come from racial and ethnic minority communities. The options for escaping gender-based violence are considerably reduced when women do not have access to resources (A/HRC/17/26, para. 75). In poor households, early marriage, a form of violence against women, is more common. Poor women may also agree to become a second or third informal wife in order to secure economic protection (A/HRC/17/26, para. 52).

48. Refugees and other non-citizens are often susceptible to violence against women. It is noted that organizational and societal factors, including unhealthy and unsafe housing, unemployment, poverty, restricted access to health care, higher education, participation in civil society and legal protection all contribute to the ill health and vulnerability of migrants and women migrants in particular. Women in these communities are not adequately protected, which can cause them to be more susceptible to violence and less likely to be able to participate adequately in society. Women who are not citizens often feel that they lack protection of the law.

49. Under international law, States have the obligation to respect, protect and fulfil human rights, and States are obligated to ensure citizenship rights to members of their community. State responsibility for violations of these rights may be based on acts or omissions committed either by State actors or by actors whose actions are attributable to the State, or by a failure of the State to act with due diligence to prevent or respond to certain acts or omissions of non-State actors (A/HRC/23/49, para. 1). Fulfilling the responsibility to act with due diligence to eliminate violence against women is essential in itself, and also to the realization of all other categories of human rights. It is also critical to women's ability to participate in the civil political, economic, social and cultural life of their communities as full and equal citizens, thereby exercising their rights as citizens.

C. Continuing challenges

50. The intrinsic link between human rights, violence against women and the exercise of effective citizenship demands more effective prevention and protection responses, so that States meet their obligation to eliminate gender-based violence. Unfortunately, pervasive levels of violence and a culture of impunity fundamentally jeopardize the realization of women's right to a life free of violence and their right to participate fully in their communities. The present section highlights some of the challenges that continue to impede efforts to eliminate violence against women.

1. State responses: the shift to neutrality

51. Violence against women is a systemic, widespread and pervasive human rights violation, experienced largely by women because they are women. The concept of gender neutrality is framed in a way that understands violence as a universal threat to which all are potentially vulnerable and from which all deserve protection. This suggests that male victims of violence require, and deserve, comparable resources to those afforded to female victims, thereby ignoring the reality that violence against men does not occur as a result of pervasive inequality and discrimination, and also that it is neither systemic nor pandemic in the way that violence against women indisputably is. The shift to neutrality favours a more pragmatic and politically

palatable understanding of gender, that is as simply a euphemism for "men and women", rather than as a system of domination of men over women.

52. Violence against women cannot be analysed on a case-by-case basis in isolation from the individual, institutional and structural factors that govern and shape the lives of women. Such factors demand gender-specific approaches to ensure an equality of outcomes for women. Attempts to combine or synthesize all forms of violence into a "gender-neutral" framework tend to result in a depoliticized or diluted discourse, which abandons the transformative agenda. A different set of normative and practical measures is required to respond to and prevent violence against women and, equally importantly, to achieve the international law obligation of substantive equality, as opposed to formal equality.

53. The Declaration on the Elimination of Violence against Women, the Convention on the Elimination of All Forms of Discrimination against Women and various regional treaties have explicitly articulated the international understanding of the issue and have reaffirmed and acknowledged that violence against women is both a cause and a consequence of discrimination, patriarchal dominance and control, that it is structural in nature and that it works as a social mechanism that forces women into a subordinate position, in both the public and private spheres. The Committee on the Elimination of Discrimination against Women has criticized States that have moved to the gender-neutral approach (see for example CEDAW/C/NLD/CO/4, CEDAW/C/POL/CO/6, CEDAW/C/FIN/CO/6 and Add.1, and CEDAW/C/UK/CO/6 and Add.1). In addition to gender specificity in legislation, policies and programmes, it is argued that, where possible, services should be run by independent and experienced women's non-governmental organizations providing gender-specific, empowering and comprehensive support to women survivors of violence, based on feminist principles.[51] Specificity is also mandated in the relevant regional human rights instruments on women and violence.

2. Persisting public-private dichotomy in responses to violence against women

54. Another manifestation of inequality and discrimination in responses to violence against women is the public-private dichotomy, which ultimately relegates women to the private sphere. This dichotomy is reinforced by the gender pay gap; the "double burden" of production and reproduction, which often limits the autonomy of women; and, in the most overtly patriarchal societies, systems of guardianship or legal instruments consciously designed to limit women's access to the public sphere. Even in societies in which women make sustained and significant contributions to the workforce, their roles in public life tend to be curtailed and issues considered to be of particular concern to women are often assumed to be private. Violence against women is no exception and the belief that personal relationships are not a matter of public concern continues to affect responses in the prevention, reporting and prosecution of cases of violence.

3. Accountability and impunity: failure of States to act with due diligence to eliminate violence against women

55. In her 2013 report to the Human Rights Council, the Special Rapporteur highlighted the continuing challenges of failures in relation to States' obligation to

[51] *Handbook for Legislation on Violence against Women*, sect. 3.6.1.

act with due diligence to eliminate violence against women. State responsibility to act with due diligence entails, inter alia, responding effectively to violence, ensuring gender equality frameworks, promoting attitudinal change, proactively ensuring women's participation in decision-making and undertaking programmes with a strong focus on promoting women's empowerment and agency.

4. Lack of transformative remedies that address the root causes of violence against women, including individual, institutional and structural aspects

56. Transformative remedies require that the problem of violence against women is acknowledged as systemic and not individual; and that this requires specific measures to address it as a gender-specific human rights violation. In her 2011 report, the Special Rapporteur articulated a gender-specific and holistic framework, including protection, prevention and empowerment approaches. Responses in laws, policies and programmes require that the historical, current and future realities of the lives of women be taken into account through a lens of indivisibility and interdependency of rights. Compromising the resources available to women's groups for service provision and advocacy, including through the prioritizing of men's groups, undermines transformative change efforts.

57. A more recent challenge is the creation of hierarchies of violence against women, especially through political and funding actions. This is particularly evident in the articulation of sexual violence in conflict situations as being different and exceptional, as opposed to its being a continuation of a pattern of discrimination and violence that is exacerbated in times of conflict — as reflected in recent armed conflict situations. The prioritizing of this manifestation of violence has led to numerous concerns, including a shift away from an understanding of violence against women as both gendered and part of a continuum of violence; a shift in resources, in some instances, despite the need to address all manifestations of violence, including at the national level; a shift in focus by some United Nations entities; and the effect of donor-driven priorities in this process. The view of many women's rights defenders is that these shifts have led to focusing on the manifestation of violence against women in conflict situations, to the detriment and ignoring of the low-level "warfare" that women and girls experience in their homes and communities on a daily basis.

5. Financial crisis, austerity measures and cuts in social services spending

58. The Special Rapporteur is deeply concerned about the weakening of the women's rights sector resulting from funding cuts for core service provision, including legal, policy and advocacy work. Cuts in funding to non-governmental organizations (NGOs), as a form of reprisal against the work of women human rights defenders, are also of concern. This issue has been raised in numerous reports of treaty bodies and NGOs.

6. Lack of a legally binding instrument

59. The Special Rapporteur has highlighted the existence of a normative gap at the international level. The lack of a legally binding instrument on violence against women precludes the articulation of the issue as a human rights violation in and of itself, comprehensively addressing all forms of violence against women and clearly stating the obligations of States to act with due diligence to eliminate violence against women. There are many "soft law" documents that address the issue,

including the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women and the Beijing Declaration and Platform for Action, and general comments and recommendations of treaty bodies. However, even though soft laws may be influential in developing norms, their non-binding nature effectively means that States cannot be held responsible for violations. The Special Rapporteur notes that none of the soft law developments on violence against women has moved into the realm of customary international law as yet.

60. There is more specificity in three key regional human rights treaties that address violence against women, namely the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women of 1994, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa of 2003 and the recent Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence . The normative underpinnings of the obligations of States to eliminate violence against women have evolved since 1994 and the regional treaties reflect international standard-setting developments, but within a legally binding regional instrument. Despite the specificity of these instruments, there are limitations with regard to, for example, definitions and the comprehensiveness of the coverage of persons and acts reflected in the instruments. Such gaps, as well as the absence of specific regional instruments in other regions of the world, underscore the need for a universal legally binding instrument on violence against women at the United Nations level.

7. Shift in understanding of gendered responses and move towards a focus on men and boys[52]

61. In the past few years, there has been a move away from the understanding of "gender focus" as referring to women, including with regard to violence, as articulated and understood in international normative frameworks and by women's groups. One author aptly articulates the concerns and frustrations expressed by women's rights NGOs and by individuals as follows:

> Gender, stripped of ideas of male privilege and female subordination, came to mean that women and men suffered equally the costs of the existing gender order. Women's organizations were increasingly asked "if you are working on gender, then where are the men", and they were increasingly pressured to include men. On the heels of this pressure, a new actor came into focus — men's organizations. The existence of already weakened women's organizations was now further threatened and feminist attempts at movement-building faced additional challenges. The increasing focus on men and men's organizations ... is seen by some as a new fad, the latest silver bullet to achieving gender equality, and a threat to women's organizations and women's movements. In this view, donor attention to men's organizations seems to signify a shift of support away from women's empowerment and women's leadership, and a handing over of the reins in the struggle for gender equality to men. Men are once more in charge — only this time, they are in charge of women's liberation struggles.[53]

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[52] Claire Malcolm and Helen Griffiths, "The limitations of engaging men and boys in the prevention of violence against women", January 2014 (unpublished paper on file with the author).

[53] Shamim Meer, "Struggles for gender equality: reflections on the place of men and men's organizations", *Open Debate*, Open Society Initiative for Southern Africa (2011), chaps. 2-4. Available from www.osisa.org.

62. It is clear from the many concerns that numerous interlocutors have raised with the Special Rapporteur that, even though the shift to the "men and boys" agenda is fraught with difficulty, it appears to have attracted a great deal of funding, recognition and political support. In order to legitimize their mandates, many men's organizations claim that the inclusion of men and boys is a binding obligation called for in numerous international documents and frameworks, including the Rio Declaration of the Global Symposium on Engaging Men and Boys on Achieving Gender Equality, held in Rio de Janeiro, Brazil, from 29 March to 3 April 2009. This Declaration outlines an obligation for States, United Nations agencies and donors to promote the agenda of engaging men and boys, and advocates the allocation of resources to further work in that direction. The Rio Declaration is an NGO declaration and does not have status comparable, in legal terms, with United Nations documents, and it was developed and promoted by the very men's groups that it provides for and strengthens. The distortion of the rationale and the interpretation of international human rights standards and frameworks, particularly as regards gender equality and engaging or partnering with men to transform gender inequality, is thus reinforced by such arguments. Such conflation of United Nations commitments with an NGO declaration has resulted in the mushrooming of independent men's groups and organizations, separate from the women's movement, many of which have redefined engagement with men and boys, in male terms.

63. From a pragmatic point of view, if men constitute the vast majority of perpetrators of violence against women, then engaging them in discussions, educating them to resist and reject the nature and consequences of hypermasculinity and misogyny and to overcome patterns of violence is an obvious step towards the elimination of violence against women. The feminist approach has commonly considered men as allies and targets of education in the quest for gender transformation. In recent years, many men's groups have moved from being targets of engagement and allies to being leaders of initiatives on gender equality, especially through the setting up of specialized men's organizations to engage men and boys. The logic of the shift in focus appears to be self-defeating because it empowers the group to which perpetrators belong — and which overwhelmingly continues to maintain economic, political and societal structures of power, privilege and opportunity — to offer protection from violence and discrimination. The Special Rapporteur is also concerned that the dominant voices on engaging men and boys, whether through reporting, United Nations meetings or connection with the wider public through the press and popular culture, belong to a very small group of men who are linked to the most prominent organizations associated with the "men and boys" agenda. This raises numerous questions, including in respect of legitimacy and accountability.

64. There are many ideologies about the role of men and boys. Often, the focus is not on women as autonomous beings, disproportionately affected by inequality, discrimination and violence; rather, violence against women is conflated with the interests of men and boys. The tendency is for men's groups to argue both that the majority of men are not implicated in abuse and that all men suffer the consequences of being socialized into dominant perceptions of hypermasculinity, and that this accounts, in part, for recourse to violence. Thus, the argument is that, since both men and women are subject to gender stereotypes and since corrupting forms of power are as damaging to men as to women, both men and women would benefit from the dismantling of gender stereotypes.

65. One strategy associated with the engagement of men and boys is to appeal to the idea that women deserve respect as mothers, sisters, wives and so on. Emphasizing personal relationships is said to make it easier to understand the consequences of violence against women. This is also seen as an effective strategy in overtly patriarchal societies, in which calls to consider women as rights-bearing individuals, irrespective of their marital status, are considered too radical to attract support, even among women themselves. This implicit suggestion thus distorts the issue of women as autonomous individuals deserving respect and renders regard for the rights of women contingent on their status in the private sphere, which further reinforces the public-private dichotomy.

66. A brief analysis of the mandates and principles of organizations associated with engaging men and boys in efforts to counter violence against women reveals a series of internal contradictions that compromise the understanding of the foundational principles linked to women's human rights. This is reflected in several ways, including the reaffirmation of patriarchal norms of men as protectors and, by extension, women as victims; the reinstatement of the family as the principal referent for analysis; the depoliticization of the understanding of both gender equality and gendered violence; the reinforcement of the public-private dichotomy; the instrumentalization of arguments for the elimination of violence against women; the conceptual confusion over men, masculinity and gendered roles; and the justifications and contradictions in the shift to men and boys and its supposed link to binding international law obligations.

IV. Conclusions and recommendations

67. **The challenges of 20 years of soft law developments in the United Nations reflect the existence of resolutions, interpretative guidelines and monitoring by human rights treaty bodies and the universal periodic review. It is clear that the limitation of large and varied monitoring mandates, coupled with time constraints when examining State party reports, does result in an insufficient interrogation concerning the information relating to violence against women, its causes and consequences, and insufficient assessment of responses. Furthermore, the lack of specific legally enforceable standards has a further impact on attempts to ensure appropriate responses as well as accountability for acts of violence against women.**

68. **Although many States have acknowledged violence against women as a widespread and systematic human rights violation and are working on eradicating it, to differing degrees at the national level, the normative gap within international law as regards violence against women is a barrier to holding States accountable for the failure to respect, protect and fulfil the human rights of women. As demonstrated in the present report, violence against women has an impact on all human rights, including civil, political, economic, social and cultural rights, thereby acting as a barrier to the exercise of full, inclusive and participatory citizenship.**

69. **In the Declaration on the Elimination of Violence against Women, the General Assembly recognized that violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the**

prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men (resolution 48/104).

70. Furthermore, the General Assembly recalled Economic and Social Council resolution 1991/18 of 30 May 1991, in which the Council recommended the development of a framework for an international instrument that would address explicitly the issue of violence against women. The Assembly also expressed alarm that opportunities for women to achieve legal, social, political and economic equality in society are limited, inter alia, by continuing and endemic violence. Two decades on, it is clear that there needs to be further recognition that full, inclusive and participatory citizenship requires that violence against women be seen as a barrier to the realization of all human rights, and consequently, to the effective exercise of citizenship rights.

71. The concerns raised prior to the development and adoption of the Declaration on the Elimination of Violence against Women, and subsequently reinforced by the work of the mandate holder over the past 20 years, give rise to the view that it is time for the international community to consider the adoption of a binding international convention or protocol on violence against women and girls, which should include a separate monitoring body. An international convention on the elimination of violence against women or an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women would ensure that States are held accountable to standards that are legally binding and that provide a clear normative framework for the protection of women and girls globally, one which would have a specific monitoring body to substantively provide in-depth analysis of both general and country-level developments. A legally binding international instrument would provide a function that is protective and preventative, as well as educative. Recognition that women's rights are human rights and that violence against women is a human rights violation demands this measure of commitment.

72. The Special Rapporteur recommends that the General Assembly undertake an inquiry into the normative gap in international human rights law in the quest for strengthening efforts to eliminate violence against women.

73. As regards the other challenges raised above, the Special Rapporteur recommends that the Secretary-General initiate a study on the impact of such challenges in the quest for the elimination of violence against women.